

TESTIMONY BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON AGRICULTURE
REVIEW OF REVISED REGULATIONS GUIDING LAND MANAGEMENT
PLANNING ON NATIONAL FOREST SYSTEM LANDS

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MAY 25, 2005

Mr. Chairman:

Regulations guiding National Forest System Land Management Planning released on December 22, 2004, outline substantive improvements to the land management planning process. These improvements will allow the US Forest Service to spend more time protecting wildlife and other natural resources, and less time producing paperwork.

The new planning regulations outline a fundamental change for the Forest Service, from an emphasis on process to an emphasis on outcomes. Under the 1982 planning regulations, the Forest Service engaged in lengthy planning processes leading to the development of documents measured not in pages but in pounds. These documents attempted to predict with certainty the results of future management activities, in essence, to dot every “i” and cross every “t”. Due to changing science, policies and budgets, these predictions were seldom realized.

Under the new planning regulations, the Forest Service is charged with placing less emphasis on crafting detailed plans and more emphasis on the delineation of desired social, economic, and ecological conditions for the planning unit in question. The agency is then to monitor progress toward these conditions resulting from management activities. Where progress is deemed insufficient, the Forest Service will modify activities to increase the likelihood of attaining the desired conditions.

The success of this adaptive management approach will depend in part on the ability of Congress to provide sufficient funds to support the necessary resource monitoring programs. Likewise, success will depend in part on the ability of the Forest Service to demonstrate measurable progress toward desired conditions outlined in forest plans.

Perhaps the single most important improvement outlined in the new regulations is a return to the clear direction of the National Forest Management Act (NFMA) regarding the conservation of plants and animals. NFMA explicitly directs the Forest Service to “...provide for diversity of plant and animal communities...”, yet the 1982 planning regulations went well beyond the statutorily mandated community-based approach and instead invoked species-level requirements – the species viability clause. The new regulations remove reference to species viability and establish a hierarchical approach using ecosystem diversity as a coarse filter and species diversity for those species where ecosystem-level assessments may be inadequate to ensure appropriate safeguards. This ecosystem- or community-based approach is consistent with the model proposed by 21 of the nations leading wildlife conservation organizations during the public comment period (4 February 2003 letter attached).

The viability clause from the 1982 regulations placed the Forest Service in the untenable position of being required to sustain viable populations of all “...native and desired non-native vertebrate species...” on each National Forest where a species exists, even if on the extreme edge of the geographic range of that species. This artificial spatial consideration imposed a requirement even more stringent than that outlined in the Endangered Species Act, a requirement that was, in some instances, impossible to meet – bad science, bad policy. The proposed regulations released in November, 2000, modified the viability requirement and, in fact, provided some of the same guidance found in the new regulations. Unfortunately, the 2000 regulations imposed survey and monitoring requirements that no agency could meet, even with unlimited financial resources.

Experience has demonstrated that meeting the requirements imposed by the viability clause dramatically increases the time and cost of forest planning processes. As an example, the recent revision of the Forest Plan for the Chequamegon-Nicolet National Forest in Wisconsin took 7 years to complete – this for a Plan designed to be operational for 10-15 years. The Forest conducted viability assessments on approximately 120 species, a process that lasted 3 years.

The tremendous workload and cost of forest planning take scarce personnel and financial resources away from needed, on-the-ground conservation activities. On the George Washington-Jefferson National Forest in Virginia, critically important young forest habitats account for only 1.8% of the forest landscape, a level well below that called for in the Forest Plan. A part of the reason for this failure to attain clearly stated Plan objectives is the time and money spent on producing planning documents.

A 1996 Government Accounting Office report found that under the 1982 regulations, the Forest Service spent more than \$250 Million each year preparing 20,000 environmental documents. According to the Forest Service, approximately 50 cents of every fire reduction dollar goes toward process and analysis, rather than on-the-ground fire fighting.

Improvements outlined in the new planning regulations that guide wildlife conservation will enable the Forest Service to better address the conservation needs of both common and imperiled wildlife, while providing the flexibility required to adapt to changes on the ground and in our understanding of the relevant science. The Forest Service is to be commended for adopting this visionary approach to resource management planning.

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ATTACHEMENT TO TESTIMONY – DESSECKER, MAY 2005

TO: USDA FS Planning Rule
 Content Analysis Team
 P.O. Box 8359
 Missoula, MT 59807

DATE: 4 February 2003

RE: USDA FS Planning Rule - Section 219.13 Sustainability

The undersigned organizations, representing over 1.4 million sportsmen, sportswomen, and other wildlife conservationists, have a vested interest in working with the US Forest Service (USFS) to sustain game and nongame wildlife on National Forest System lands. To best facilitate this important goal, we urge the USFS to adopt Option 2 for paragraph (b) of Section 219.13 - Sustainability, as modified below for the proposed rule released on 27 November 2002.

The first paragraph under Sec. 219.13 (b) (2), and under the continuing paragraphs (i) and (ii) for Option 2 provides general planning intent to meet the diversity requirement of the National Forest Management Act (NFMA). To ensure that the planning rule is consistent with the intent of NFMA, proposed direction regarding **species** diversity should be deleted and the agency should instead be required to provide for diversity of plant and animal **communities** necessary to meet the multiple-use objectives of the planning area. The amended requirement we propose is both ecologically and economically feasible and is, therefore, a significant improvement over existing regulatory guidance vis-à-vis species viability.

The analysis process requirements in the first paragraph under Sec. 219.13 (b) and those in paragraph (b) (1) should be removed from the planning rule and placed in the agency handbook. The codification of process requirements in a regulatory document is inappropriate as currently accepted processes can be rejected as new information becomes available; this is a basic operating tenet of adaptive management. Eventual handbook direction regarding diversity should clarify that promoting overall multiple-use objectives is the purpose of land management planning and that diversity is one component thereof.

We recommend that language be incorporated into Sec. 219.13 (b) (2) explicitly recognizing that the continued persistence of any species within the planning area can be affected by factors beyond the control of the agency. Therefore, rather than invoke an unattainable goal (continued persistence), the agency should instead implement actions to sustain the diversity of plant and animal communities in ways that recover and conserve species listed under the Endangered Species Act (ESA) and that would not likely lead to other species being proposed for listing under ESA.

In addition, actions or factors under the direct control of the agency should not cause a significant decline in the abundance or distribution of those plant and animal communities needed to attain the multiple-use objectives outlined in the Forest Plan. Further, the agency should work with the appropriate state resource agency to identify and to provide conditions to support plant and animal communities of ecological, economic, and social importance as specific multiple-use objectives.

We have limited our comments in this letter to the proposed language in section 219.13 - Sustainability. However, we may submit comments on additional components of the rule before the end of the 90-day comment period.

Thank you for the opportunity to comment. If you have any questions, please don't hesitate to contact Dan Dessecker (Ruffed Grouse Society: P.O. Box 2, Rice Lake, WI 54868: 715-234-8302, rgsdess@chibardun.net), or Steve Mealey (Boone & Crockett Club: 541-896-3817, steve_mealey@bc.com).

Sincerely,

BOONE & CROCKETT CLUB
BOWHUNTING PRESERVATION ALLIANCE
BUCKMASTERS AMERICAN DEER FOUNDATION
CAMPFIRE CLUB OF AMERICA
CONGRESSIONAL SPORTSMEN'S FOUNDATION
CONSERVATION FORCE
FOUNDATION FOR NORTH AMERICAN WILD SHEEP
INTERNATIONAL ASSOCIATION OF FISH & WILDLIFE AGENCIES
INTERNATIONAL HUNTER EDUCATION ASSOCIATION
NATIONAL TRAPPERS ASSOCIATION
NATIONAL WILD TURKEY FEDERATION
PHEASANTS FOREVER
POPE AND YOUNG CLUB
QUAIL UNLIMITED
ROCKY MOUNTAIN ELK FOUNDATION
RUFFED GROUSE SOCIETY
SAFARI CLUB INTERNATIONAL
SHIKAR SAFARI CLUB INTERNATIONAL
US SPORTSMEN'S ALLIANCE
WILDLIFE FOREVER
WHITETAILS UNLIMITED